

Thomas R. Curtin  
George C. Jones  
McELROY, DEUTSCH, MULVANEY  
& CARPENTER, LLP  
1300 Mount Kemble Avenue  
P.O. Box 2075  
Morristown, NJ 07962-2075  
(973) 993-8100

*Attorneys for Plaintiffs and  
Recording Industry Association of America, Inc.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

UMG RECORDINGS, INC., *et al.*,

Plaintiffs,

v.

RCN TELECOM SERVICES, LLC, *et al.*,

Defendants.

and

RCN TELECOM SERVICES, LLC,

Counterclaim Plaintiff,

v.

UMG RECORDINGS, INC., *et al.*,

Counterclaim Defendants.

Civil Action No. 19-17272  
(MAS) (ZNQ)

**NOTICE OF MOTION BY  
PLAINTIFFS AND THE  
RECORDING INDUSTRY  
ASSOCIATION OF AMERICA,  
INC. TO DISMISS  
COUNTERCLAIMS**

TO ALL COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on Monday, December 7, 2020, at 9:30 a.m.

or as soon thereafter as counsel may be heard, Plaintiffs/Counterclaim Defendants

UMG Recordings, Inc., *et al.* (“Plaintiffs”) and Counterclaim Defendant Recording Industry Association of America, Inc. (“RIAA”), by and through counsel, shall move before the Honorable Michael A. Shipp, U.S.D.J., at the Clarkson S. Fisher Federal Building and U.S. Courthouse, 402 East State Street, Trenton, New Jersey 08608, for dismissal of Defendant RCN Telecom Services, LLC’s Counterclaims (Dkt. No. 104).

PLEASE TAKE FURTHER NOTICE that in support of this motion, Plaintiffs and RIAA will rely on the accompanying Memorandum of Law. A proposed form of Order is also submitted herewith.

Dated: November 6, 2020

Respectfully submitted,

*/s/ Thomas R. Curtin*  
Thomas R. Curtin  
George C. Jones  
McELROY, DEUTSCH, MULVANEY  
& CARPENTER, LLP  
1300 Mount Kemble Avenue  
P.O. Box 2075  
Morristown, NJ 07962  
Tel: (973) 993-8100  
Fax: (973) 425-0161  
tcurtin@mdmc-law.com  
gjones@mdmc-law.com

Andrew H. Bart (*pro hac vice*)  
Jacob L. Tracer (*pro hac vice*)  
JENNER & BLOCK LLP  
919 Third Avenue  
New York, NY 10022  
Tel: (212) 891-1600  
Fax: (212) 891-1699

abart@jenner.com  
jtracer@jenner.com

Robert B. Gilmore (*pro hac vice*)  
Philip J. O'Beirne (*pro hac vice*)  
Michael A. Petrino (*pro hac vice*)  
Kevin L. Attridge (*pro hac vice*)  
STEIN MITCHELL BEATO  
& MISSNER LLP  
901 15th Street, N.W., Suite 700  
Washington, DC 20005  
Tel: (202) 737-7777  
Fax: (202) 296-8312  
rgilmore@steinmitchell.com  
pobeirne@steinmitchell.com  
mpetrino@steinmitchell.com  
kattridge@steinmitchell.com

*Attorneys for Plaintiffs and Recording  
Industry Association of America, Inc.*